

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

U.S. BEVERAGE, INC.)
)
Plaintiff,)
)
v.) **Civil Action No. 2:06-CV-496-SRW**
)
JOHN BUSTER WALKER, II; and)
TRIDENT MARKETING, INC.;)
)
Defendants.)

JOHN BUSTER WALKER, II; and)
TRIDENT MARKETING, INC.;)
)
Counterclaim Plaintiffs,)
)
v.)
)
U.S. BEVERAGE, INC.;)
)
Counterclaim Defendant,)
)
and)
)
GRADY DOWLING KITRELL;)
THOMAS GOING CLARK, III; and)
NORMAN“Buddy” TODD;)
)
Third Party Defendants.)

PARTIAL MOTION TO DISMISS WITH PREJUDICE

Counterclaimants and Third Party Plaintiffs John Walker and Trident Marketing, Inc., respectfully moves this Court to dismiss with prejudice their third party claims against Third Party Defendant Norman “Buddy” Todd. In support of this Motion, John Walker and Trident Marketing, Inc. state as follows:

- (1) Third party plaintiffs have learned that Norman Todd is no longer employed by U.S. Beverage, Inc.; and
- (2) Norman Todd has disassociated himself from U.S. Beverage, Inc. and its activities that gave rise to the Counterclaim and Third Party Complaint brought by Walker and Trident Marketing, Inc.

WHEREFORE, Third Party Plaintiffs John Walker and Trident Marketing, Inc. respectfully ask this Court to dismiss with prejudice the claims against Norman "Buddy" Todd.

DATED this the 5th day of JANUARY 2007.

s/Raymond L. Jackson, Jr.
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CERTIFICATE OF SERVICE

I certify that on this the 5th day of January 2007 a copy of the foregoing pleading was served upon all counsel of record through the EMCS electronic filing system and/or by placing said copy in First Class U.S. Mail with postage prepaid to the following addresses:

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